

REMARKS/ARGUMENTS

Favorable reconsideration of the present application in view of the above amendments and in light of the following discussion is respectfully requested.

Claims 1-20 are pending. Claims 1, 8-11, and 20 are currently amended. Support for the amendment of Claims 1, 8-10, and 20 can be found in the published application at paragraphs [0106]-[0107], for example. Support for the amendment of Claims 11 is self-evident. No new matter is introduced.

In the outstanding Office Action, Claims 1-4, 8-12, and 14-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McCaleb (U.S. Patent No. 6,751,794) in view of Chan (U.S. 2002/0194356) and McGuire (U.S. Patent No. 6,493,871). Claims 5-7 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McCaleb in view of Chan, McGuire, and Xian (U.S. Patent No. 6,327,584).

Amended Claim 1 recites an information processing apparatus that includes a memory means for *separately storing* functional generation information and application software. Amended Claim 1 also recites that the functional generation information *enables the application software, independent of a software version, to access functions*. Amended Claim 1 also recites that the functional generation information includes a *combination of cryptographic keys*. Further, amended Claim 1 recites that when the memory means is updated to contain second functional generation information, the application software, independent of the software version, is able to access second functions.

As described in the specification as originally filed, Applicants have recognized that an information processing apparatus as recited in Claim 1 presents several advantages over conventional arrangements. For example, it is possible to update the contents a remote service, a protocol, or key without updating the version of the application.¹ Furthermore, a

¹ See, the published application at paragraph [0107].

plurality of keys and a plurality of functions can be setup in a single application in advance to selectively allow different users access to various functions.²

Turning to the applied references, McCaleb illustrates client systems 110 and 115 which contain multiple software packages.³ McCaleb also describes a server 105 maintains a part database 120, containing *software patches and software updates* for the client systems 110 and 115.⁴ Figure 2 of McCaleb describes updates are received at step 215 and the updates to the various software packages are installed at step 220.⁵

Moreover, the outstanding Office Action states that client system 110 stores the **version of the currently installed software** and asserts this version data teaches the recited functional generation information.⁶ The Office Action also argues that once the software on client system 110 is updated to a newer version, that the updated software is able to access second functions.⁷ However, amended Claim 1 is clarified that the functional generation information enables the application software to enable certain functions **independent of software version**.

McCaleb merely describes a system for updating *software packages* to newer versions. In contrast, amended Claim 1 recites that the functional generation information, not the application software, is updated to a newest functional generation information. Further, when the functional generation information, which includes cryptographic keys, is located in the memory means, then the application software is able to access second functions **independent of the software version**. Accordingly, McCaleb does not suggest or disclose all of the features of amended independent Claim 1.

² *Id.*

³ See, McCaleb, at column 3, lines 55-58.

⁴ See, McCaleb, at column 3, lines 64-68.

⁵ See, McCaleb, at column 4, lines 39-44.

⁶ See, The Office Action of December 22, 2009, at the paragraph spanning pages 2 and 3.

⁷ See, The Office Action of December 22, 2009, at page 4.

Chan fails to cure the deficiencies of McCaleb. Chan describes a terminal 110 includes a virtual amplifier with a particular serial number.⁸ Chan describes that the virtual amplifier sends the user's ID, password, desired music number, and the product serial number to the server 210.⁹ The server then sends the terminal 110 a file which is keyed to the unique serial number of that particular terminal.¹⁰ However, Chan does not suggest or disclose obtaining and *updating* functional generation information including cryptographic keys that enables application software to access functions *independent of a software version of the application software*.

The Office Action points to paragraph [0033] of Chan to illustrate that the serial number may be updated. However, Chan merely describes that the virtual amplifier (application) may be updated and accordingly the respective serial number may also change. Therefore, Chan describes a serial number that is unique to the particular *version of the virtual amplifier*. Whereas, amended Claim 1 clarifies that the functional generation information enables the application software to access function **independent of a software version of the application software**. Accordingly, Chan does not suggest or disclose all of the features of amended Claim 1.

Xian and McGuire were applied by the Office Action for features other than the recited functional generation information including cryptographic keys which enables application software to access functions independent of a software version of the application software. Moreover, Xian and McGuire fail to cure the deficiencies of McCaleb and Chan.

Accordingly, even the combined teachings of McCaleb, Chan, McGuire and Xian do not disclose or suggest all the features of amended Claim 1. It is submitted that amended Claim is in condition for allowance.

⁸ See, Chan at paragraph [0032].

⁹ See, Chan at paragraph [0042].

¹⁰ See, Chan at paragraph [0043].

Although drawn to different statutory subject matter classifications, amended independent Claims 8-10 and 20 recite features that are substantially similar to that of amended independent Claim 1. Therefore for substantially the same the reasons stated above for Claim 1, amended Claims 8-10 and Claim 20 are believed to be in condition for allowance.

The dependent claims are respectfully submitted to be in condition for allowance for at least the same reasons as the independent claims from which they depend. Moreover, the dependent claims recite additional information not suggested or disclosed by the cited references.

For example, amended Claim 11 recites the functional generation information is shared among a plurality of application software located in the memory means, such that each of the plurality of application software is enabled to access said functions independent of software versions of the plurality of application software. The Office Action acknowledges that McCaleb does not suggest or disclose this feature and accordingly applies Chan at paragraph [0044].

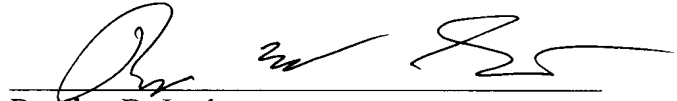
As described above, Chan describes a virtual amplifier application with a unique serial number and a server the encrypts files to be used by the uniquely identified virtual amplifier. As the serial number is unique to the particular version of the virtual amplifier, Chan does not suggest or disclose functional generation information that is shared by a *plurality of application software*, such that each of the plurality of application software can access function enabled by the functional generation information independent of respective software versions. Accordingly, the cited references do not suggest or disclose all of the features of amended Claim 11.

For the reasons discussed above, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance for Claims 1-20 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the below-listed telephone number.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Bradley D. Lytle', is written over a horizontal line.

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